

REMARKS

Status of Claims

Claims 8-14 and 22 are pending in the application prior to the instant Amendment. Claims 8-10 are currently canceled. No claim is added, leaving claims 11-14 and 22 pending upon entry of the instant Amendment.

Indication of Allowability

Applicants acknowledge the examiner's indication of allowability of claims 11-14 and 22.

Rejections under 35 U.S.C. §103(a)

At page 2 of the Office Action, the Examiner rejected claims 8-10 under 35 U.S.C. §103(a) as being obvious over Ali et al. (WO 04/075840), Ali et al. (WO 04/026248) and Ali et al. (WO 2003/086294; hereinafter, "Ali").

To expedite the prosecution of this case, Applicants have canceled, without prejudice, the rejected claims 8-10, thus placing the instant application in condition for allowance. Applicants reserve the right to pursue the canceled claims in a continuation application.

Applicants do wish to point out that they disagree with the Examiner's rejections as the Examiner has not made out a prima facie case of obviousness. The Examiner has not articulated, in any particularity, why the cited references, either alone or in combination, provide the necessary suggestion or motivation to select the appropriate lead compound and to make the particular molecular modifications necessary to arrive at the instant compounds from the lead compound. This is contrary to the requirements of 35 U.S.C. §103 of the patent law.

In view of the foregoing amendments and remarks, Applicants respectfully request timely allowance of the pending claims.

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Applicants believe no additional fees are due, but the Commissioner is authorized to charge any fees required in connection with this Amendment from Merck Deposit Account No. 13-2755.

Respectfully submitted,

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